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Attorneys for Defendant Nextel of New York, Incorporated

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHNNY ALMONTE, individually, and on behalf  
of others similarly situated,

Plaintiff,

v.

NEXTEL OF NEW YORK, INCORPORATED,

Defendant.

07-cv-6065-NRB

**JOINT MOTION FOR STAY  
AND TOLLING AGREEMENT**

The parties hereby move this Court to stay the proceedings and to enter a tolling agreement. In support of this Motion, the parties state as follows:

1. On September 4, 2007, the parties met in person to discuss, among other things, the possibility of negotiating a settlement of this case. The parties agreed that it would be

beneficial to stay the proceedings, toll the applicable limitations period, and schedule a mediation session to continue their settlement discussions.

2. Prior to mediation, the parties will, in good faith, exchange the data and personnel information necessary to evaluate a global settlement. The parties anticipate that they can exchange the necessary information and schedule mediation within the next ninety days, or by December 20, 2007.

3. To facilitate their settlement discussions, the parties request that the Court stay the case, including all deadlines, disclosures, discovery and rulings on outstanding motions – including, but not limited to, the initial case management conference scheduled for November 5, 2007 – until December 20, 2007. The case will be stayed for all purposes, including communications initiated or caused to be initiated by Plaintiffs' counsel (or anyone acting on their behalf or with their consent) with current or former Sprint Nextel employees who are not currently opt in plaintiffs, provided, however, that Plaintiffs will have the right to file Consent to Join forms for any person who so desires to join the case during the stay period. Additionally, the parties agree that the statute of limitations for persons who are eligible to join, but who have not yet opted-in to the case, will be tolled until December 20, 2007.

4. This motion is made in the interest of justice as it allows the parties time to explore the possibility of a global resolution without prejudicing the rights of the putative class members or parties.

5. Neither party will be prejudiced if the Court grants a stay of this action until the mediation process is completed.

WHEREFORE, the parties respectfully request that this Court grant this Motion, stay the case until December 20, 2007, toll the statute of limitations for putative class members until December 20, 2007, and grant any other relief the Court deems just and proper.

Dated: New York, New York  
October 15, 2007

Respectfully submitted,  
ORRICK, HERRINGTON & SUTCLIFFE LLP

Attorneys for Defendant  
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